

Message Text

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15

ACTION EB-06

INFO OCT-01 EUR-12 ISO-00 IO-10 L-02 CAB-05 CIAE-00

COME-00 DODE-00 DOTE-00 INR-07 NSAE-00 RSC-01 FAA-00

OIC-02 SP-02 AF-10 ARA-10 EA-10 NEA-10 OMB-01 TRSE-00

DRC-01 /090 W

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R 182003Z OCT 74

FM AMCONSUL MONTREAL

TO SECSTATE WASHDC 5497

UNCLAS MONTREAL 1658

FROM USPERMREP TO ICAO

E. O. 11652: N/A

TAGS: ICAO

SUBJ: AVIATION - LIMITS OF LIABILITY FOR PERSONAL INJURY OR
DEATH

1. FOLLOWING STATEMENT WAS READ AFTER SESSION OF LEGAL COMMITTEE
ON OCT. 17. QUOTE:

1. IT IS CONSIDERED THAT THE LIMITS OF LIABILITY UNDER THE
WARSAW-HAGUE SYSTEM ARE UNACCEPTABLY LOW AND THAT THE APPLI-
CATION OF THE MONTREAL AGREEMENT GIVES RISE TO INEQUALITIES.
ACCORDINGLY MOST WESTERN EUROPEAN COUNTRIES HAVE BEEN CONSIDERING
STEPS TO ENSURE THAT IN THE CASE OF DEATH OR PERSONAL INJURY
TO PASSENGERS THEIR AIRLINES WILL ACCEPT A LIMIT OF LIABILITY
APPROXIMATELY EQUAL TO DOLS US 58,000, EXPRESSED IN NATIONAL
CURRENCIES. FOR AIRLINES OF SOME OF THESE COUNTRIES THAT
LIMIT IS ALREADY APPLICABLE AND IN OTHERS GOVERNMENTAL ACTION
IS TAKING PLACE. THIS ACTION AFFECTS ONLY THE AIRLINES OF THOSE
COUNTRIES.

2. IT IS HOPED THAT MOST WESTERN EUROPEAN AIRLINES WILL INTRO-
DUCE SIMILAR ARRANGEMENTS IN THE NEAR FUTURE. SOME COUNTRIES
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ARE CONTEMPLATING 1 DECEMBER 1974 AS THE EFFECTIVE DATE.

UNQUOTE.

2. FOLLOWING COUNTRIES WERE VERBALLY STATED TO BE ASSOCIATED:

BELGIUM, DENMARK, FINLAND, FRANCE, FRG, IRELAND, ITALY,
NETHERLANDS, NORWAY, SPAIN, SWEDEN, SWITZERLAND, UK.

3. IT WAS INDICATED THAT PORTUGAL, WHILE NOT ATTENDING MEETING
IN MONTREAL, HAD INDICATED ITS INTENT TO ADHERE TO THE DECISION.

4. NORWAY STATED THE AGREEMENT WAS NEITHER REGIONAL NOR INTERNATIONAL BUT WAS AN ATTEMPT TO PERSUADE THE AIRLINES INVOLVED TO ACCEPT A HIGHER LIMIT. SPAIN STATED TEXT WAS NOT UNANIMOUSLY ADOPTED.

5. JAPAN'S COUNCIL REP STATED JAPAN WAS ALSO CONSIDERING RAISING THE LIMIT TO DOLS 75,000 IF LITIGATION COSTS ARE INCLUDED. HE ASKED WHY THE EUROPEANS SET THE LIMIT AT DOLS 58,000. THE UK RESPONDED BY SAYING THE LEGAL FEES WERE NOT APPLICABLE TO EUROPE AS IT HAD A DIFFERENT LEGAL SYSTEM.
HARPER

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Message Attributes

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Draft Date: 18 OCT 1974
Decaption Date: 01 JAN 1960
Decaption Note:
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Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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